

[Mr. Speaker]

[4th November 1952]

(b) to abolish sales tax on the sales of handloom cloth;

(c) to grant subsidies to this industry by subsidising the yarn price till it regains stability;

(d) to ban all foreign imports of textile goods;

(e) to use handloom cloth in all departments of the Government, so that a large stock may be consumed by the Government; and

(f) to institute a technical committee to improve the productive capacity of the handloom industry at a lower cost." "

The amendment was lost.

MR. SPEAKER :—“ Now I will put the original motion to the vote of the House. The question is—

‘ This House emphatically supports the view of the Government of Madras that in order to provide a stable market for the important and widespread cottage industry of handloom weaving on which, in this State alone 4½ millions of men and women subsist, the weaving of all bordered dhoties and coloured sarees should be reserved to the handloom industry and that mills and power looms should not be permitted to weave such dhoties and sarees. This House is further of opinion that the Central Government should take steps to make available for the handloom industry sufficient quantities of yarn, and in respect of counts of 40 and below, yarn spun out of Indian cotton so as not to burden the handloom industry with the higher price of imported cotton.’ ”

The motion was carried unanimously.

V.—GOVERNMENT BILLS.

THE TANJORE TENANTS AND PANNAIYAL PROTECTION BILL^a, 1952.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Mr. Speaker, Sir, I beg to introduce the Tanjore Tenants and Pannaiyal Protection Bill, 1952, and move—

‘ That the Bill be taken into consideration at once.’

“ Sir, in this connexion I may as well make a resume of the circumstances under which this matter is coming up here. Hon. Members are aware that on the 28th August 1952, the Governor promulgated the Tanjore Tenants and Pannaiyal Protection Ordinance, 1952. Shortly thereafter, in order to remove certain doubts which had arisen in regard to some details, the Government issued an Amendment Ordinance on the 5th September this year. Later on to ensure the validity of these Ordinances, the Government repealed them and re-enacted the provisions thereof by a fresh Ordinance issued on the 1st of October 1952, after obtaining instructions of the President in pursuance of proviso to Article 213, clause (1) of the Constitution. The Ordinance was intended to ease the strained relations between the mirasdars and the tenants and

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also between the mirasdars and the customary farm-labourers called 'pannaiyals'. There was also reason to believe that out of fear of impending land reform, several mirasdars had refused to renew lease agreements with their usual tenants and had displaced them, either bringing in new tenants or cultivating the land by farm labour. The Ordinance will cease to operate on the expiration of the six weeks from the re-assembling of the legislature and it is therefore necessary to replace it by a regular Act of the Legislature. The Tanjore Tenants and Pannaiyal (Protection) Bill, 1952, accordingly reproduces the provisions of the Ordinance with such consequential changes as are rendered necessary by reason of the replacement of the Ordinance by an Act. The Bill provides for the reinstatement of the cultivating tenants who were evicted by landowners either in favour of some other tenant or in favour of his own pannaiyals, that is, his farm-labourers. The Bill also provides for five years' security of tenure for the tenant and prescribes a machinery for settling disputes. It also provides a machinery for enquiring into the dismissal of farm-labourers and for their restoration on just and equitable terms if the dismissal was wrongful. Provision has also been made in the Bill for the fixation of minimum terms for the payment of 'waram' and lease rent and also minimum wages that shall be paid to agricultural labour. The Bill thus seeks to remove the causes of friction that have led to agrarian crimes and disturbances in the Tanjore district and which if allowed unchecked may lead to serious deterioration in agricultural production. Therefore, Sir, I move that the Bill be taken into consideration at once."

MR. SPEAKER :—" Motion moved—

'That the Tanjore Tenants and Pannaiyal Protection Bill, 1952, be taken into consideration at once.'

* SRI T. VISWANATHAM :—" Mr. Speaker, Sir, I move the amendment standing in my name, namely :—

'That the Tanjore Tenants and Pannaiyal Protection Bill, 1952, be referred to a Select Committee consisting of the following members :—

(List of names to be furnished later.)'

"Sir, my reasons for moving the amendment are these. The Bill embodies a principle which in my opinion is going to be a permanent measure. Of course the Ordinance was meant to meet an emergency. But the legislation is going to be permanent. Not only that. From all parts of this State there has been a demand that the main principles of the Bill should be extended to the other areas in the State if it were to be passed into law. Here, Sir, I may say on behalf of the Opposition, that all of us wholeheartedly agree with the principle that the sub-tenants, persons who now go under the name of 'tenants at will' the tillers of the soil, the cultivators of the soil, should have a right to permanent tenure. To the extent that this Bill offers them protection,

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at least for five years, we are wholeheartedly in agreement with the principle of the Bill. But, Sir, it does not mean that we agree with every clause in it. Many clauses may have to be improved in so far as they affect the persons who are depending on the land and who have got interest in the land.

" I may here also draw your attention to the fact that the Government themselves have had to improve the Ordinance twice. Not only that. After publication of the Bill, the Government had again to bring forward certain amendments. It may be said by the Government that they have introduced only new amendments in order to meet new criticisms and therefore a reference to the Select Committee is not necessary. But, I submit, Sir, there were many memoranda, many representations, many objections—published in the newspapers also—discussing the various aspects of the legislation. I submit, in regard to a legislation of this kind which is going to be a permanent feature, it should be made a general convention in this House that the Government should never come forward with a motion that it should be taken into consideration at once. But, only that it may be referred to a Select Committee. It is not like a Bill which the Hon. Minister Sri Sankara Reddi is going to move just to extend the life of the District Boards. Here there are principles and there are various parties concerned; and here is a case where we have to go into the detailed provisions of the Bill and also the language of the provisions. It might also be said: ' As the case is very urgent and the Government have placed this measure before the public for more than four to five weeks there is not much necessity for a Select Committee. Even then I submit there is necessity for a Select Committee to go into the details of the Bill, because there are several clauses which we may like to improve. But I may just remind the House, in the Select Committees which were appointed on the taxation Bills, as a matter of fact, although on certain fundamental principles there has been no agreement, with regard to other clauses in the Bills there was plenty of give and take, we understood each other and we did improve the measures. The Opposition co-operated with the Government and the Government co-operated with the Opposition in the matter of improving several clauses of the Bills so as to see that the tax-payer was not unduly harassed. Therefore, in regard to this measure also there will be necessity to give and take and to improve several of the clauses. After all the clauses of the Bill cannot be considered in detail and the implication cannot be understood in detail on the floor of this House, where we cannot have any ' across the table discussion '. It is a well-known fact. I, therefore, urge on all these grounds that the Bill be referred to a Select Committee. I want once more to assure the Government that we do not want to delay the passage of the Bill. I would suggest that the House might even fix a date before which the Select Committee might give its report. We are prepared to sit and work day and night if necessary to produce a report before the date fixed by the Government. I do not ask for a long time to consider the Bill in the Select Committee.

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" But, I say no Member of the House would like the Bill to be passed without going into the Select Committee because the Bill affects the interests of not only several millions in Tanjore district, but in other districts also because one of the clauses in the Bill says that by notification the Bill could be extended to the other districts as well. There are amendments and demands coming and memoranda have been presented to the Revenue Minister and other Ministers. The possibility is there that the Bill might be extended to other parts of the State also. Therefore, I say that the Bill merits careful consideration by a Select Committee. Therefore, I move that the Bill be referred to a Select Committee. When my amendment is put to the vote of the House, Sir, I shall submit the names of the members of the Select Committee."

SRI V. R. NAGARAJAN :—" I second the amendment moved by the Hon. Leader of the Opposition, Sir."

MR. SPEAKER :—" The original motion as well as the amendment is before the House for discussion."

* SRI S. SWAYAMPRAKASAM :—" Mr. Speaker, Sir, I rise to speak on this important measure with mixed feelings. As the Hon. Leader of the Opposition, Mr. Viswanatham, said, I do welcome the principle on which this Bill has been brought forward. The measure is a very important one, though it is applicable only to Tanjore district at present. After I come here, I find several of the Members of this House belonging to other districts have not paid any attention to the various clauses of the Bill because it is applicable only to Tanjore."

" As hon. Members may be aware, Tanjore is a big district. It is a surplus district in the whole of South India. We cannot expect the same customs and usages prevailing in Tanjore district to prevail in other parts of our State. Although we agree to the principle of the Bill, as Mr. Viswanatham has said, the manner in which the Bill has been prepared, the method of application, the time at which the Bill has been introduced and the time at which the Ordinance was promulgated—all these have wrought many difficulties in the Tanjore district. One who reads the main provisions of the Ordinance, cannot fail to understand that the Bill had been drafted by those who are completely ignorant of the customs and usages which are prevalent in Tanjore district. The Bill is an important one and I shall have to deal with it in detail. I request hon. Members to try to understand what I say, so that when the Bill is extended to other districts, there will not be much difficulty in practice."

" Sir, in Tanjore district, there are three distinct systems prevailing to-day. They are, viz., the pannai, the waram and the lease systems. These three systems are exclusive of one another. Waram is one thing. Tenancy is another. Pannai is altogether different. In various parts of the district (Tanjore) each one of the systems is prevalent. Where the pannai system is in operation, the tenancy system is absent; and the lease system is not available

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where the waram system is prevalent. As I said already, all these three systems are quite different from one another and there is a distinction from another and no identity between the customs and usages of the people under these three systems.

“ So far as the Ordinance as well as this Bill is concerned, they try to impose only one particular system in the whole district, the system being the tenancy system. Only the tenancy system and not the pannai or the lease system is sought to be introduced. Therefore, I say it is bound to create difficulties in Tanjore district because the people of Tanjore have three distinct systems of which I have made mention earlier. On the face of it, when we look at the Bill it is quite clear that the Bill confers a great boon on the big mirasdars in Tanjore district. At the same time it will create difficulties for the small mirasdars and the poor tenants. I shall explain how.

“ Prior to this Ordinance, under the pannai, waram and the lease system, the landowner was responsible for maintaining cattle manure and other capital needed for the cultivation of his particular plot of land and even there the lease-holder or the lessee or the waramdar looked to the mirasdar for providing them with all facilities required for the cultivation of the land. Now under this Bill the whole responsibility has been taken away from the mirasdar or landowner (by whatever name you may call it) and transferred to the tenant and that too at a time when the tenant is well-nigh unable to find all the facilities for the proper cultivation of the land. This Ordinance was issued at a time when the cultivation season had already commenced, when the tenant was in difficult circumstances to find out the necessary cattle and manure needed for cultivation and at a time when feelings between mirasdars and tenants had become strained due to the mirasdars refusing to lend money to the tenants to improve the fertility of the land by providing them with proper manure, cattle and necessary seedlings. When such was the tension, this Ordinance was issued. Naturally it created still more difficulties.

“ I said previously that this Ordinance has conferred a boon on the big mirasdars. The question may well be asked as to why I say so. I shall reply. It is because the responsibility for the proper upkeep of the cattle, the manure and the capital necessary for proper cultivation of the land has now been transferred to the poor tenants who are finding it very difficult to make both ends meet. If I am permitted to say, I can even say that this Ordinance has converted the mirasdars into zamindars. Whereas prior to this Ordinance, the owner was obliged to remain near his land to supervise the cultivation, now he can as well remain in a far-off place and yet demand 60 per cent of the net produce. For instance, a mirasdar may reside at Madras and demand 60 per cent of the produce from the tenants. That is the privileged position to which this Ordinance has elevated the big mirasdars. At the same time we should not forget the sorrowful plight to which the tenants have been driven.

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" In the preamble to the Ordinance, it is stated that relations between the mirasdars and the tenants so far as Tanjore is concerned has become strained. The Hon. Revenue Minister also referred to this agrarian tension while moving this Bill. The Ordinance has been there for the last two months. What miracle has it produced? The agrarian tension has not been toned down. On the other hand, we find the Revenue Courts set up under the Ordinance flooded with applications from the tenants as well as the mirasdars. So, Sir, the displacement of tenants exists only in certain taluks and not in the whole of the district. For instance, in Tanjore, Pattukkottai, Arantangi and Papanasam taluks, displacement of tenants is not at all existing and from the applications filed before the Conciliation Officers, we can very well ascertain that the trouble was about the share of the produce and not about the displacement of tenants; applications under clause 6 of the Bill are very rare and on the other hand, applications under clause 13 of the Bill are many. In certain places though the relationship between the landlord and the tenant was cordial, now because of the Ordinance the relationship has become strained. My only point is that conciliation might have been more effective in certain places than the Ordinance itself. Now that the Bill has been introduced, the mirasdars and other landowners who have 2 or 3 velis say that they are greatly affected. The real agriculturist families who cultivate the land with their own labour and certain pannaiyals can certainly cultivate 2 or 3 velis to the best advantage of the country. But the people who are now working in one veli say, ' whether we work in one veli or two or three velis, the work is the same.' Therefore these tenants also claim the same rights as are given to the tenants who work in two or three velis. How are we to reconcile these two classes of people? Sir, there is another class of landlords, the absentee landlords. The Subramaniam Committee's report and the Raghavendra Rao Committee's report both say that there is no such class in Madras State as absentee landlords. When we accept this statement, nobody can be considered to be one not knowing agriculture. But the point is that there are people who own one veli of land and who are at the moment engaged in other professions and not on the spot. They live elsewhere. Now, the benefit of this Bill must be extended to those who work on lands of one veli or less.

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p.m.

" Let us take another instance. A landowner gives his land to a tenant in whose ability and straightforwardness, he has got confidence. But the sons of the tenant may not like to be tillers again and they may like to pursue some other profession. In these cases they should not be burdened with the responsibility of tilling the soil. According to the Bill, a ' cultivating tenant ' or ' tenant ' is a person who contributes his own physical labour or that of the members of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied, and includes the heirs of such person. It means that, if a tenant dies leaving behind him a minor girl or a minor son, that minor girl or

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minor son is given the right to possess the land; they may not be in a position to cultivate the land and even when they become majors they may not be willing to be tillers of the soil and they may take to some other profession. In such cases, the land has to be resumed by some other tenant or the owner of the land must be allowed to cultivate the land. There is yet another class of people. Suppose I am a landowner and I have given my lands to a tenant for cultivation as I happen to be a lawyer. At certain stage, I may like to go back to my land and become the tiller of the soil. Therefore, Sir, in such cases also there must be provision for the landowners to resume the land. Even if the landowner is not willing, his son may be willing to cultivate the land and he must be permitted to resume the land. Therefore, to meet all these points sufficient provision must be made in the Bill.

" There is another point I want to say. According to the Bill, 'cultivating tenant' or 'tenant' means a person who contributes his own physical labour or that of his family in the cultivation of any land belonging to another . . . But, 'pannaiyal' means any person engaged by the landowner or by the cultivating tenant. So, only a person who contributes his own physical labour or that of his family is included in the definition of 'cultivating tenant' and not the pannaiyal. Therefore, pannaiyal also must be included in the definition of 'cultivating tenant', i.e., the definition must be: 'a cultivating tenant or tenant means a person who contributes his own physical labour or that of his family or that of his pannaiyal. . . .

" Sir, there are certain other people who are neither landowners nor tillers of the soil; they are middlemen; this class of middlemen is very powerful. It is well known, Sir, that in Tanjore district, there are very many big mirasdars and devasthanams owning 400 or 500 or 1,000 acres. A particular person becomes the lessee of a particular mirasdar or devasthanam; he does not cultivate the land himself; he leases them out to so many small tenants who are not recognized as tenants. In this Bill there is absolutely no provision preventing these middlemen from becoming cultivating tenants. There are many of these middlemen in Tanjore district, because the mirasdars and the devasthanams have no confidence in the tillers of the soil and they depend on the middlemen for the payment of rent and not on the actual tillers. This is the system that is now obtaining in many places of Tanjore district. Therefore, Sir, there must be sufficient provision in the Bill to prevent these middlemen from taking advantage of this Bill.

4-20 p.m. " Another important matter in respect of which there is no provision in the Bill is the punja land. In the Tanjore district, punja lands are peculiar; Tanjore district punja lands are quite different from punja lands elsewhere in the State. The punja lands in other places are not so valuable as punja lands in the Tanjore district, so far as I know the position in some of the other districts. Punja lands that lie along the Cauvery banks are more

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valuable than nanja lands, because in those punja lands, the tenants are in the habit of growing cash crops like plantains, betels, tobacco, etc. The usual custom in these cases is that the tenant pays the normal rent to the landowner, but the tenant must be on the soil all the twenty-four hours of the day and then only he will get the full benefit out of the soil. In fact, the landowner need not pay any attention at all to the cultivation in these cases. He is paid the normal rent. But the tiller of the soil has to be on the soil all round the twenty-four hours; even during nights he will have to work. Naturally therefore, according to the system prevailing there, the major portion of the produce is taken away by the tenant, and the landowner takes only the normal rent. But now, according to the provisions of this Bill, the major portion, i.e., 60 per cent, is to go to the landowner, and so the owners of punja lands are quite happy over this Bill and it is the tenants who will be put to enormous difficulty. I submit therefore that some suitable provision should be made in order to see that the tenant who is there on the soil all the twenty-four hours of the day is allowed to reap the full benefit of his labours.

"The next point I wish to refer to is this: At present exemption is given to lands less than one veli. Supposing a man with one veli of land leases it out to a particular tenant saying that the land belongs to him and he is in enjoyment of the property. The tenant naturally is not expected to verify the title deeds or the extent. This has been the case up to now; but under the provisions of this Bill, the landowner can go to the Conciliation Officer and say 'I am entitled only to six acres and five cents, and not more than that; the rest of the land belongs to the temple, or to my wife or to my minor children' and so on. He may even produce evidence to show that it is the case and claim that the whole extent of the land should be exempted. In such a case, even the tenant may be the same person and yet the land may be said to belong to more than one person. I therefore suggest that the relevant clause of the Bill should be suitably altered; otherwise, many tenants will be put to considerable difficulties by the landowners, who will naturally take advantage of the present provisions.

"Another important aspect of the Bill I wish to refer to is this: At present, Conciliation Officers have been appointed whose duty it is to interpret the various provisions. Such officers mostly have been drawn from the Revenue Department. I doubt very much whether they are able to understand the provisions. We are told that the Civil Procedure Code is applicable to such cases. We all know that the Civil Procedure Code has been differently interpreted by different Courts—the munsif's court, the sub-court, the High Court and in some cases even by the Privy Council. When such is the case, ordinary officials drawn from the Revenue Department who have been appointed as Conciliation Officers, cannot be expected to give a correct interpretation of the provisions. Especially when we are told that the revenue court's authority is final, my submission is that there should be some tribunal or some other

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appellate court in order to check errors in the decision—which is but natural. There must be some authority to be appealed to in case of irregularities or hasty and wrong decisions by the revenue courts. Even for the posts of Conciliation Officer, persons who have got a legal knowledge may be appointed.

“ One other matter about which I find there is no provision in the Bill is : We say that the cultivating tenant should get the profit; but sometimes the cultivating tenant is himself a middleman; he may himself be a big landowner and naturally he will engage a pannaiyal to do the work and will cease to be a cultivating tenant himself. I therefore suggest that in order to cover such cases, some extent must be fixed. For instance, we may say that a man with his wife and son can cultivate 5 or even 10 acres. If we do not limit the extent, the family cannot cultivate the land properly. Supposing a person owns 20 or 30 velis of land and he comes under this Bill as a tenant in order to get the benefit of the land. In the natural course of events, we cannot expect that particular person to cultivate the land properly and we cannot expect him to produce the best results possible. That is why I say, if we limit the extent, the total production in the country will increase and it will be more than what it is to-day. One result of this will also be that the middleman's activities will be restricted and the number of people who are actually on the land will increase.

“ When we deal with the Bill clause by clause, I am quite sure we will come across many such practical difficulties. The relationship between the landowner and the tenant has already become strained and by no stretch of imagination can we take it that the old good relationship will be restored. At the same time, I really congratulate the Government on their having promulgated the Ordinance. It is a good step towards land reform and it is in that view that I congratulate the Government. One is however led to think that the tenant is being enabled to enjoy certain benefits only for a period of five years—in other words, that security of tenure is given for five years—and that this may be an attempt on the part of Government to postpone land reform for ever. If that should be the case, then I submit this is not at all a reform worth having. If, however, this is going to be a step in the direction of a thorough land reform, I am quite sure everybody will welcome it—not only in the Tanjore district, but throughout the country. I understand that people even outside our country are watching us, watching how this measure is going to work. In that aspect, this is a very important measure. We have already hastened this measure by means of an Ordinance. I therefore request the Government now not to rush it through, since it has been introduced in this House in the form of a Bill. This must be allowed to go to a Select Committee where every clause should be thoroughly examined. If it goes to a Select Committee, it can go through the clauses one by one and various necessary alterations may be made in order to overcome some practical difficulties which I have just now mentioned and which other speakers also may mention. As I said, Sir, this is an important step towards land reform, and in case this measure

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is to be extended to the whole of this State, we should see to it that it is a measure which will give real benefit to the tenants. In that view, Sir, I appeal to the Government to agree to the amendment that this may be sent to a Select Committee."

SRI G. LATCHANNA :—" On a point of information, Sir. May I know whether the Government are going to accept this amendment or not and also may I know the time allotted for the discussion of the Bill? "

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MR. SPEAKER :—" Before I know the mind of the Government, I shall not be in a position to say whether the Government are going to accept the amendment or not. So far as the Chair is concerned, the Chair will allow more time so that the Government might judge from the trend of the speeches what they could do best."

THE HON. SRI C. RAJAGOPALACHARI :—" We will try to hear a little more before we come to any definite conclusion upon that question."

* SRI S. VENKATRAMA AYYAR :—" Mr. Speaker, Sir, it is with very great pleasure that I rise to support the measure brought forward by the Hon. the Minister for Revenue in regard to the relationship between the landowners, I may call them the ryots or mirasdars, and the tenants of the Tanjore district. I submit that it was a timely measure that was brought by our revered Rajaji; it was a time when there was a loud clamour in the district of Tanjore about mass evictions. It was reported on the floor of the House by several hon. Members of the Opposition and even by some hon. Members on this side of the House, particularly some Harijan Members that there were tens of thousands of evictions by rich mirasdars and matadhipatis in Tanjore district. There was a loud clamour about that and when I had occasion to refute it, I did it in a way though I had not the hardihood to refute it wholesale because it was true to some extent but not to the extent that they made it out to be, which was exaggerated by several hon. Members of the Opposition. At a time when there were evictions, say about some thousands, I might even put it at some hundreds, not in all the taluks of the district—there are eleven taluks in the district but in three or four taluks, I think, Shiyali, Mayuram, Kumbakonam and some portions of the other taluks—I may say to the credit of my Constituency and to the Revenue Division from which I come, there is absolutely no such trouble, I mean Pattukottai and Arantangi taluks and I will even tack on Tanjore from which my hon. Friend Sri Swayamprakasam comes—this trouble seems to have arisen some years back and as a result of it there was the Mayuram agreement. But in 1952 when troubles started, I remember distinctly that the Tamil Nad Congress Committee deputed Sri R. Venkataraman, M.P., the Congress Labour leader, to visit the affected areas. Accordingly Sri Venkataraman in the company of Sri Narayanaswami Nayudu, who in season and out of season has been voicing the feelings and grievances of the tenants of the district on the Congress side toured

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the affected areas and they found out the actual position obtaining there and they promptly reported the facts to the T.N.C.C. At a time when the matter was being discussed on the floor of the House at the instance of the hon. Sri Narayana-swami Nayudu and several of us, we acquainted our revered Rajaji with the situation in the district and he at once assured us that he would look into the matter very closely and bring forward some suitable legislation. Of course, he did not mention about an Ordinance or about a Bill; he assured us that he would bring forward some legislation and try to ease the situation so that the food production may not be affected and the relationship between the ryots and the tenants may not get strained, because Tanjore district is a district which supplies food to the other districts and strained relationship between the tenants and the ryots should not be allowed to continue. It is in that background that the Ordinance was promulgated by our Chief Minister and hon. Members may remember that just on the eve of the promulgation of the Ordinance, our Hon. Chief Minister and the Hon. the Finance Minister happened to tour Tanjore district. With great strain of old age, our Chief Minister came to Tanjore and he went to Tiruturaipundi and almost all the affected areas including Tiruvarur and if only some of the Members here who are on the other side been there they would have seen the large congregations and witnessed the enthusiasm that prevailed wherever the Hon. the Chief Minister addressed meetings, meetings of not only mirasdars but of meetings attended by tenants in thousands. Tiruturaipundi, hon. Members must know, is famous, I may even call it, notorious as the stronghold of the Opposition parties, but even at that place, in Tiruvarur, in Shiyali, large congregations assembled to greet him, not only for greeting and respecting our leader but also they welcomed the Ordinance. In Tanjore when he addressed a mass meeting of the mirasdars, several representations were made to him about several difficulties that arose as a result of the enforcement of the provisions of the Ordinance and he said that he would look into them and try to rectify them. He wanted to establish cordial relations between the mirasdars and the tenants so that the food production will not be affected. Some mirasdars pointed out that they were not given any share of the catch crops as they are called—we commonly call them உஞ்சறு and பஞ்சு : hitherto they were getting half out of it but they were not allowed anything under the Ordinance. Immediately the difficulty was pointed out, he understood the position and he has remedied it and he has awarded forty per cent to the mirasdar and sixty per cent to the tenants and he has also put a limit upon the portion of the land to be cultivated so that the tenants may not put the entire stretch of land under catch crop in order to get greater benefit. There were certain other difficulties pointed out by mirasdars as well as by tenants and he has said that the difficulties would be remedied.

“ Sir, so far as this Bill is concerned, it clearly gives fixity of tenure. There is some sort of opposition from mirasdars on the ground that though the Government have done away with the

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intermediaries by abolishing the zamin and inam estates and converting them into ryotwari lands, they want to create some sort of occupancy tenure in the ryotwari land. This is the representation that most of the mirasdars in Tanjore district have made. I may submit for the information of the hon. Members and for the satisfaction of the mirasdars in my district that it is not so. It is only a sort of tenure for a period of five years on the distinct understanding that they should pay, regularly and promptly without any delay, the *varam* due, that is 60 per cent as is provided in the Bill, to the mirasdars. So long as the mirasdar gets it, he must naturally remain satisfied. Of course if there is no payment, there are other penal provisions in the Bill to look after such cases. So much so, it is not a question of creating another sort of tenure in the ryotwari land. The very principle underlying the abolition of zamin and inam estates is that there should be no intermediaries and there should be one uniform tenure in the entire Madras State and that tenure is ryotwari tenure.

“ As has been referred to by my hon. Friend, Mr. Swayamprakasham, it is a fact that in Pattukottai and Arantangi taluks there are not many applications before the Conciliation Officer as is provided in the Bill. But, at the same time it must be understood that Pattukottai and Arantangi taluks comprised about 90 per cent of zamin and inam villages which have been converted into ryotwari tracts after the passing of the Estates Abolition Act. Just before the passing of that Act, there was the Tenants' and Ryots' Protection Act which gave protection against eviction to the tenants who were cultivating the private lands of mirasdars. Even that Act came into force when tenants were about to be evicted by inamdars. By virtue of that Act which was passed by the last Congress Ministry, tenants could not be evicted so long as they were paying the rent due to mirasdars. Now that the Zamindari Abolition Act is in force, there is no necessity for that Act also. What is obtaining in Pattukottai and Arantangi taluks is that in most cases there is cordial relationship existing between tenants and mirasdars. If there is trouble, applications either on behalf of tenants or mirasdars will be filed before the Conciliation Officers. Therefore, there is no point in saying that the Bill has no effect, so far as some taluks of Tanjore district are concerned. The Bill is concerned mainly with the root cause of the matter, viz., that there is some strained relationship between tenants and mirasdars in Tanjore. We are not concerned whether it is in the C.M.P. area or in the old delta area. Sir, the prosperity of several other districts in the Madras State completely depends upon the prosperity of the Tanjore district. If the relationship between mirasdars and tenants is cordial and if food production is speeded up in Tanjore district, there will be prosperity in other districts also. And it is only in view of that and also finding that the relationship is strained and also in view of the incessant representations made by Mr. Naravanaswami Naidu, myself and Congress legislators from Tanjore district, the Hon. Chief Minister assured us that he would bring forward some suitable legislation and this Bill is the result of such a representation.

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If there is some minor defect here and there as has been represented by several mirasdars from Shiyali and Kumbakonam and other parts before our Hon. Chief Minister recently, the Hon. Chief Minister will look into the matter and the defects will be remedied suitably in conformity with the need for cordial relationship between tenants and mirasdars. The very fact that several hon. Members representing constituencies in districts other than the Tanjore district wanted that this Bill should be extended to other districts, clearly shows that benefits are actually conferred on the Tanjore tenants. When once this Bill becomes an Act and is placed on the Statute Book, we will be in a position to know the working of this Act. After a successful working of this Act in the Tanjore district, the Government will certainly extend the provisions of this Act to other districts and the benefits will flow to other districts of the State so that the entire agricultural operations of the Madras State will flourish and the food production will naturally increase and all will prosper. So, I wholeheartedly support the Bill that has been brought forward by our Hon. Minister for Revenue and I hope the entire House will pass the Bill."

SRI G. LATCHANNA :—“అధ్యక్ష, ఈ బిల్లు విషయములో నేనునాథావాలను స్పష్టంగా ప్రకటించవలెనంటే నేను తెలుగులోనే మాట్లాడవలసివస్తుంది. అందుకు మీరు అవ్యధాధావించరని తలుస్తాను. వచ్చి, రానీ ఇంగ్లీషులో మాట్లాడవలెనంటే నాథావాలను స్పష్టంగా తెలుగులోనే చెప్పి లేమంచిదని భావిస్తున్నాను. ఇక ఈ బిల్లు యొక్క object గురించి విచారించినట్లయితే, ఈ బిల్లుకుగా తంజావూరు జిల్లాలో ప్రత్యేకమైన అత్యవసరమైన పరిస్థితులు ఏర్పడాయని, అక్కడ రైతులకు భూకామందులకు చాలా విపరీతమైన బేదాధిప్తాయాలు, కష్టాలు ప్రబల ఆశాంతి పరిస్థితులు ఏర్పడాయని కాబట్టి అత్యవసరముగా ఈ ordinance తీసుకొనిరాబడినదని బిల్లు యొక్క ప్రధాన ఆశయములలో ఇది ప్రధానముగా కరిగిపోయినది. ఈ ఒక్క అంశముమీదనే ఆలోచిస్తే ఒక విషయము మాత్రము స్ఫురణకు వస్తున్నది. ప్రభుత్వము ఇటువంటి సమస్యల విషయములో పరిస్థితులు, ప్రజాభిప్రాయాలు, ప్రజావసారాలుగురించుకొని పరిస్థితులు వివరించకముందే ప్రజాస్వామిక సిద్ధాంతాలనుసరించి పరిస్థితులు చక్కచెట్టుతుకు పూనుకొనుటలేదని స్పష్టపడుచున్నది. అక్కడ అత్యవసర పరిస్థితులు ఏ విధముగా వచ్చాయని తెలుస్తున్నదంటే అక్కడ భూభామందులు రైతులు ఒకరినొకరు కొట్టుకొంటున్నారని, బుర్రలు పగులకొట్టుకొంటున్నారని, ఈ కారణములనే అత్యవసర పరిస్థితులుగా గ్రహించుట ఈ ప్రభుత్వవిధానముగా స్పష్టపడుచున్నదని చెప్పకతప్పదు. ఒకరినొకరు కొకరు కొట్టుకొనునంతవరకు చెబ్బలాడుకొనంతవరకు అత్యవసర పరిస్థితులుగా ఈ ప్రభుత్వదృష్టిలో పరిగణింపబడరని తేలుచున్నది. ఇనాములలోని రైతులకు సంబంధించినంతవరకు ఇనాము గ్రామాలలోని ఇనాము ఎస్టేట్లలో ఈ భూస్వామ్యవ్యవస్థను రైతులెక్కడ స్థిరపడుకొంటారో అనే ఆతురతతో కృత్రిమపద్ధతులలో రైతులను భూములనుండి తొలగించి నిరుద్యోగులుగా చేసినటువంటి అనేక సంఘటనలున్నాయి. ఈ సంఘటనలు ఈ నాటికి 15 సంవత్సరముల క్రింద నుండియే, అనగా 1936 వ సంవత్సరము నుండినే జరుగుచున్నవి. ఈ సమస్యను ఎన్నో సందర్భాలలో ప్రభుత్వదృష్టికి తీసుకొని వచ్చి, ఎన్నో విధాలుగా deputations రాయచా రాయి చేసినప్పటికి కూడా, ప్రభుత్వము చరితచకుండా ఉండున్నది. ఒక తంజావూరులోనే అత్యవసరమైన పరిస్థితి ఏర్పడిందని, అక్కడ ఒకరి నొకరు బుర్రలు పగులకొట్టుకొంటున్నారని

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కాబట్టి ఆక్టోబర్ 1952లో ఆర్డైనెన్స్ పరిస్థితులు విర్వద్ధాయనే సిద్ధాంతము ఏ మాత్రము సబబుగా వని చెప్పుచున్నాను. ఒకరినొకరు గొట్టుకొని తల వగుల గొట్టుకొంటున్న మాత్రాన, ఆక్టోబర్ 1952లో ఆర్డైనెన్స్ పరిస్థితి విర్వడింది అని అనుకోవడం చాలా పొరపాటు. ఆ ఆక్టోబర్ 1952లో ఈ Ordinance అమలుజరుపుతున్నప్పుడు, ఇతర ప్రాంతాలలో ఘాతాదులకు ముఖ్యముగా జామీందార్లకు ఉటువంటి పరిస్థితి మీకు కూడా రాబోతున్నదని తెలుపుతూ, ముందుగానే వారిని హెచ్చరిస్తూ వారికి ఒక line clear ఇచ్చివేట్లుగా అవుతుంది. మీకు కూడా ఈ చిట్ట ఇకముందుకు వర్తింప బడుతుంది. కనుక ఈ లోగా మీరు స్వయంగా మీ హక్కులు మీరు గట్టిపరచుకోండి అనే ఒక హెచ్చరిక చేసినట్లుగా ఇది పరిణమిస్తున్నది. దీనివలన ఇతర ప్రాంతములలోని జామీందారులు, ఘాతాదులు, రైతులను ఘాతమునండి తొలగిస్తూ వారిహక్కులను గట్టిచేసినట్లు వారికి ఒక మంచి అవకాశ మిచ్చినట్లుండునని మనవి చేస్తున్నాను.

(At this stage the Deputy Speaker occupied the Chair.)

“ఇక చిట్టలోని వివరములను పరిశీలించినట్లుగానే, ఘాతాదులకు, ఘామి దున్నే వారికి మధ్యన ఒక విజృంభణము ఉన్నట్లుగా బోధ పడుతున్నది. ఈ మధ్య వర్గము ఎందుకున్నదో, ఘామి ఆదాయములో వీరికి భాగ మెంతో, వీరు చేయవలసిన బాధ్యతలేమిటో, నా బుద్ధికి తోచినవరకు, నేను గ్రహించగలిగినంతవరకు నాకాత్యము కావకము లేదు. ఈ మధ్యవర్గానికి భాగమెంత, వీరు చేయవలసిన విధులు ఏమి ఈ మధ్యవర్గము ఇకముందు కూడా ఉంటుందా లేదా అని స్పష్టముగా చెప్పబడలేదు. ఈ విషయాలన్నీ vague గా ఉండలేదు. ఇక ఈ చిట్టలో రైతుకు రక్షణ ఇవ్వడానికి ఏమి చేసినారంటే, దున్నే రైతులకు ఆ ఘామిని దున్నేందుకు 5 విండ్లవరకు హక్కు ఇవ్వబడినది. ఈ హక్కును ఆంగీకరించుటకు మీకు ఎంతవరకు ఆధ్వర్యతరము లేదు. కాని, ఈ చిట్టలోని మిగతా ఆంశములు గమనించినట్లయితే, ఈ Ordinance ను మిరాసీదార్ల Ordinance అని చెప్పక రక్షించు. ఎందువల్లనంటే, మిగతా ఆంశములు చాలా భాగము మిరాసీదార్లకు సహాయకరముగా ఉన్నవి. ఘామి ఆదాయములో కూడా ఆఫికర్ భాగము వీరికి చెందనట్లు నియమింపబడినది ఆక్టోబర్ 1952లో మిరాసీదార్ల రైతులనుండి బకాయాలు వసూలుచేయడానికి, వారిని నానాబాధలు పెడుతూ నానా తగాదాలు కల్పిస్తూ, పోలీసులవద్దకు కోర్టులకు వెళ్లుచూ, విక్రేయతమ కారణాలతో వారిని ఘాతములనుండి తొలగించడానికి నానా పయత్నాలు చేస్తూ, ఆందోళనపడుతూ యుంటే, అందువల్ల ప్రభుత్వము ఈ Ordinance జారీచేసి మీరు ఏమి ఆందోళన పడకండి, ఒక 5 నడవనాలు మాత్రము మీరు ఓపిక పట్టండి, తరువాత పరవాలేదు. ఘాతము ఆదాయములో కూడా మీకు ఎక్కువ భాగాన్ని అయిదంటి మూడు భాగాలు ఇస్తున్నాము. కనుక ఈ ఆయిదెండ్లలో మీ రేమీ ఇందులో జోక్యము కలుగజేసుకోకండి అని చెప్పుతున్నాను. ఇందులో ఒక tenancy 5 విండ్ల fixation తప్ప tenancy కు ఉరవిధమైన protection, రక్షణ కనపడం లేదు. కనుక ఒక tenancy 5 విండ్ల fixation అన్న మాత్రాన ఇది Tenancy Protection Bill అని అనుపించుకొన తగదు. ఇందుకు బదులు దీనిని Tenancy and Mirasidars Protection Act అని అనడం ఎక్కువ సబబుగా ఉంటుందని మనవిచేస్తున్నాను. తరువాత, ఆదాయములోని ఆయిదంటి మూడు భాగాలు ఘాతాదులకు చెల్లించవలసినది కూడా అన్యాయముగా ఉంది ఇదివరకు ప్రభుత్వము నియమించినటువంటి ముద్రామణ్యం కమిటీ రిపోర్టులోను, ఘామి దున్నే వారికి 50 పర్సెంటు ఉండాలి అని అన్నారు. ఘాతాదులకు 45 పర్సెంటు చెందేట్లు అవకాశ మివ్వాలి. అంతకుపైన

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[Sri G. Latchanna] [4th November 1952]

ఇచ్చట న్యాయముకాదని అన్నారు. ఈ మాదిరి ప్రభుత్వము తాము నిర్ణయించినటువంటి ఈ సుబబిణ్డం కమిటీయొక్క రిపోర్టును ఒక ప్రక్కన ప్రకటిస్తూ, రెండవ ప్రక్కన ఈ Ordinance జారీచేస్తూ, అయిదింటి మూడు భాగాలు అదాయము మిరాసిదార్లకు ఇవ్వవలెననుట ఆశ్చర్యంగా ఉంది. ఇది tenants కంటే మిరాసిదార్లకే సహాయకరముగా ఉంటున్నది కాబట్టి ఇది Mirasidars Protection Bill అగునే కాని Tenancy Protection Bill కాదని నేను మనవి చేస్తున్నాను. ప్రస్తుత ప్రకాశం గారు చెప్పినట్లు principle పైన tenancy ఇన్ని విల్లని fix చేయబడిన ఆంశము తప్ప మిగత ఆంశాలన్ని tenants కు ప్రతిక్షాళముగా ఉన్నాయి. రైతులకు, మీకు 5 ఏండ్లవరకు గ్యారంటీ ఇచ్చినాము. ఈ అయిదేండ్లు మీరు బాగా దుస్తుకొని వుండించుకోండి అని చెప్పాము, మిరాసిదార్లకు ఈ 5 ఏండ్లు మీరు ఓపిక పట్టండి. ఇందులో మీరు ఏ జోక్యము చేసుకోవద్దండి, మీరు అంబోళనవడ ఆక్కరలేదు అని ధైర్యము చెప్పుతున్నారు. అందువలన దీనిని తప్పకుండా ఒక సెలెక్టుకమిటీకి వేసి, వారు వృథా కాలయాపన చేయకుండా, ఈ శాసనసభా సమావేశము ముగియ లోగానే ఈ సెలెక్టుకమిటీవారు అన్ని విషయములు తుదిగా పరిశీలించి అందులోని మంచిచెడ్డలు తెలియచేసేటట్లు చేయవలసిందని కోరుతున్నాను. ఇది Ordinance కాబట్టి ఇది త్వరగా Bill గా జారీ అగునట్లు చేయవలసి యుండునని, లేకపోయిన ఇది క్రమబద్ధంకాదని, రాజ్యాంగానికి విరుద్ధమనే కారణంతో ఈ Ordinance ను యథాతథంగా Bill గా మార్చుకుండా, వెంటనే ఒక సెలెక్టుకమిటీని నియమించి వారు ఏ మాత్రము కాలయాపన చేయకుండా దీనిని పరిశీలించి దీనిలోని మంచిచెడ్డలు తెలియ చేసేటట్లు చేయవలెను. కనుక దీనిని సెలెక్టుకమిటీకి refer చేయడం ధర్మమని, విధి యని నేను మనవి చేస్తున్నాను.”

* SRI M. NARAYANA KURUP:—“ Mr. Deputy Speaker, Sir, when I stand to speak on this Bill, I am reminded of an experience which I once had on the Calicut railway station platform. I saw a porter cleaning the frontage of the First and Second-class Waiting Room, a few feet in width right across the platform. Immediately he had done his job, the dust and leaves from the remaining portion of the platform were blown over this spot and the whole thing became dirty again. After one or two more attempts he gave up the job. When I think of this legislative measure I am reminded of that porter who wanted to clean the frontage of the First and Second-class Waiting Room without cleaning the whole platform. Sir, the Government seldom tackle the problems at their very root and the measures they adopt are patchy and superficial. Let it be remembered that time is the essence of reform. The same reform which may satisfy the people to-day may not satisfy them to-morrow. It is not as if we are unable to diagnose the disease but we are not bold enough to apply the remedy. Sir, there cannot be any two opinions as to what our urgent problem is. This is what the authors of the Draft Five-year Plan have observed :

‘In its significance the land problem overshadows all other problems. In the measure in which a satisfactory answer can be found to this problem, the economy as a whole will advance.’

Do the Government bestow on this important agrarian question the attention which it deserves? Our experience is otherwise.

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Thousand and one excuses are trotted out either to evade or to postpone the problem. The same old hackneyed arguments advanced by the foreigners are advanced in a less convincing manner, nay, it has become the fashion of the Government-that-be to paint those who advocate radical agrarian reforms as 'pink', if not 'red.' Even such disciples of Gandhiji as Dr. Kumarappa are looked upon with disfavour because of their views on agrarian questions. I do not know what the Government would say about Vinobhaji and his new movement. Certainly, veiled attacks are already appearing and, I believe, the time will not be far off when he will be accused of preparing the ground for a Communist upheaval. I can only repeat the warning which he has given. He says:

'It is not the persons who advocate agrarian reforms and land distribution that invite communism but those who oppose them'.

"Sir, this Bill which is before us, is a typical example of a 5 p.m. half measure. Now, what are the fundamentals of a tenancy question? It is nothing but fixity of tenure and fair rent. Does this Bill, in any way, find a satisfactory solution for these two important questions which are implied in any tenancy problem. We are to-day in advancing times. The meaning of ownership or proprietorship is itself changing. This is what the Agrarian Reforms Committee has stated: 'The idea of proprietorship in which the owner could use or misuse land as he likes is incongruous with the economic and social needs of our times.' Certainly, it is an accepted notion that land is a social property. Ownership or proprietorship has been described as a bundle of rights. Can anyone to-day who is claiming interest in the land claim to possess all the bundle of rights which go to make up the proprietorship or ownership? Certainly not. To-day the sticks from the bundle, as we call it, are distributed among various interests and to the extent they are distributed, the conception of that absolute ownership becomes diluted or weakened. Therefore, Sir, any Bill which tackles the question of tenancy must give weight to this new conception of proprietorship or ownership of land. But, Sir, nothing of that kind we see in this Bill before the House.

"Sir, I said that the most fundamental thing about tenancy is fixity of tenure. I have not used the word 'occupancy' and that too with a purpose. By fixity I only mean that so long as the tenant is in possession and so long as he pays his dues to his landlord he should not be disturbed from his possession. It was stated by the Hon. Minister when he introduced the Bill that this Bill conferred on every tenant five years period for his lease. Sir, Sri Raghavendra Rao, the Special Officer who was deputed by the Government to consider the land tenure problem in Malabar had made an important observation with regard to 'short-term leasing.' He observes, 'The yield of land depends on the interest taken by the cultivator. No cultivator will take sufficient interest in land unless he is sure of holding it without unnecessary disturbances by his landlord. A short-term lessee is not interested in making any improvement on the land or in adequately manuring it.' He again says, 'Eviction or threat of eviction is the main

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cause of the trouble of the tenant. From this scare no tenant is safe.' Nothing like this is adopted in this Bill. The five-year period can never commend itself to any tenant. Sir, it is no consolation for one who is condemned to the gallows that the execution will take place after the lapse of a few days. It is only a cruel mockery. With the sword of Damocles, namely, eviction after five years, hanging over his head, the tenant will never rest in peace and he will never improve his land. This point has been repeatedly stated by all those experienced people who had been appointed to consider our agrarian question. It has been observed more than once that you can never have optimum result from land unless a tenant is given fixity of tenure. Sir, especially in a deficit State like ours, these questions are of interest not only to the tenants but also to the State as well.

"Then, Sir, I am coming to the question of fair rent. Under the Bill three-fifths of the produce has been fixed as the landlord's share. The authors of the Draft Five-Year Plan have considered this question of fair rent and they have made this pertinent observation regarding this: 'Depending upon contribution towards cultivation to be met by the landlord, ordinarily the rent exceeding one-third value of the produce of unirrigated land and one-fourth in the case of irrigated land may be construed to be excessive.' Even the Subramaniam Committee Report have only recommended in some cases half and half and in other cases 60 and 40 per cent to the tenant and the landlord respectively. Under this Bill the tenant is entitled to only 40 per cent of the produce and the Bill also provides that all the expenses of manuring, etc., should be met by the tenant.

"I do not want to take a long time. I have dealt with only two main principles, namely, fixity of tenure and fair rent, in regard to both of which the Bill is lamentably lacking to provide relief for the tenants. I support the Motion to refer the Bill to a Select Committee. I hope that the criticisms made in this House will be taken due note of by the Select Committee if the Bill goes to it. I further hope that this Bill is but a prelude to far-reaching agrarian reforms in this State. It is certain that there cannot be peace or prosperity in this State or in this country unless we are able to satisfy the land-hunger of the masses to the extent to which it can be done. Sir, this is not the time for persons who want temporary results or tactical achievements. We want statesmen who act with courage and vision and who will plan to-day for to-morrow. The question before us is whether we are destined to have such leadership."

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* SRI L. C. PAIS :—"Mr. Speaker, Sir, I support the Bill and oppose the idea of the Bill being referred to a Select Committee. The reason is simple. It will delay matters. This legislation is long overdue. It is said that the man who gives quickly gives twice. The cultivating tenant has suffered far too long and now that Government have come forward with a wise measure, let there be no postponement of relief. My grievance against the Bill is of a somewhat different kind. I find from sub-clause (2) of

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clause 1 that this Bill shall be deemed to have come into force in the whole of the district of Tanjore on the 23rd August 1952 and that it shall come into force in any other area in the adjoining districts in the State of Madras, on such date as the Government may, by notification, appoint. This is somewhat disappointing. I do not understand why a relief of this kind which is bound to improve the lot of the cultivating tenant in ryotwari areas should be restricted in its scope only to particular areas like Tanjore and the districts round about Tanjore. Speaking for and on behalf of South Kanara I may say that we have been agitating for tenancy legislation for the last several years. We began our agitation in 1946 and during Prakasam's regime we almost got it, but just then the Ministry went out of office. Subsequently we renewed our agitation during O. P. Ramaswami Reddiar's time and there was practically a direction from him to the Revenue Minister to go on with this legislation. There was a similar direction during the regime of Kumaraswami Raja. In spite of our efforts, relief to the cultivating tenants in South Kanara is being postponed from time to time. My plea is simple. Let the benefit of this legislation be not confined to particular districts or particular areas but be extended to all cultivating tenants in all ryotwari areas. I perfectly realise that having regard to diversity of tenures the incidence of tenures not being alike in all ryotwari areas, it may not be easy for Government to bring in one comprehensive legislation touching the entire ryotwari area. Knowing these difficulties what we have been pressing before the Government is just this minimum. Pending introduction of comprehensive legislation—you may take your own time for it—you bring in what is known as interim or stay legislation, preventing eviction of tenants and I may add, eviction of good tenants who are paying their rents regularly and in time. Now what is the objection to bringing this kind of interim legislation? So far as South Kanara is concerned, there are not less than 1,000 evictions a year—evictions through Court and evictions out of Court. Even the eviction suits during the last two or three years are about 800 a year. I am, therefore, entitled to ask whether a case has not been made out for introduction of interim legislation with a view to prevent evictions through Court.

“ Clause 10 of the Bill, says—

* No cultivating tenant shall be evicted except as provided in section 6, or unless :

(a) he has failed to pay rent within one month of the date stipulated in the lease deed or in the absence of a lease deed, within one month of the due date according to the usage of the locality or village ; or :

(b) he has done any act which is destructive of, or injurious to, the land or any crop thereon : or :

(c) he has used the land for any purpose other than agriculture : or :

(d) he has sub-let the land : or :

(e) his conduct or behaviour has been such as, in the opinion of the Revenue Court, to render his continuance as a tenant on the land undesirable in the interest of good cultivation.”

“ I ask the Hon. Minister why should not the benefit of at least this one clause be extended immediately to other areas also. Legislation may be brought in, if necessary, on the model of the Rent

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Control Act. Supposing a landlord really desires the land for his own cultivation certainly he must have it. But, as long as the landlord does not require the land for his own purpose and as long as the tenant is paying the rent regularly, I ask, is there any reason why the tenant should be deprived of the land in his occupation. I wish to bring to the notice of the House that in South Kanara there is a particular tenure known as the Chalgeni tenure. It is really tenancy at will. The tenant executes a lease deed every year in favour of the landlord. The tenant, as a matter of fact, is on the land for several generations and yet every year he is made to execute a lease deed. And what is the lease deed he is asked to execute? It is a printed form. It is worthwhile to understand what are the terms of this lease deed. It deals first with the description of the property and everything which the tenant may have done by the sweat of his brow by labour, etc., such as buildings, trees, fields and all and everything that is found on the property is included in the lease. An excellent device. The tenant is estopped later on from contending that they are his improvements. The next clause says, 'I have no right to make improvements without your written permission and if I do any improvements without such permission, I have no right to claim their value.' When the matter goes to Court, here is a ready argument—the tenant has contracted himself out of his customary right to receive compensation for the value of the improvements made by him.

"I ask whether, in these circumstances, it could be said that the tenant has got security of tenure. Do you expect him to produce more food, and when our object to-day is to improve the condition of the common man what have we done so far, to improve the lot of the cultivating tenants? We are bringing in big schemes like Community Projects in the villages. Success of these schemes depends upon the degree of support we get from the tenants also. I ask again whether there is sufficient incentive left in the tenant to work out these big schemes and to work out the various Grow More Food schemes. The Grow More Food campaigns have so far failed because Government have not been able to enlist the sympathy of the cultivating tenant on its side. The lease lastly says that no notice to quit is necessary and at the end of the year the tenant automatically has to go out unless, of course, he is kept on for another year.

"As I said, Sir, I have been pressing this matter before the Government for the last six years and it is a matter of absolute regret that the Government have not been bestowing any attention, so far as South Kanara is concerned. My submission to the Government is that when they think of Tanjore and the districts that surround Tanjore—we do not certainly grudge relief being given to them—let them think of districts and areas where tenants have no security of tenure. When relief is sought to be given to tenants in Tanjore, let it not be denied to other tenants. Every time we ask for relief, we are told that the Government are bringing in regular tenancy legislation, and the latest argument is

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"We are doing something in Tanjore; let us watch and see how it works." Does it mean that relief to other areas is going to be indefinitely postponed. The indifference that is displayed and the invidious distinction that is shown are creating havoc in the countryside. I may point out in this connection, that when the Malabar Tenancy Act was last amended, they took care to remove 32 villages out of South Kanara and tack them on to the Malabar district. By doing so relief was sought to be given to these 32 villages. What about the remaining villages of South Kanara? A common man is entitled to ask why this distinction between district and district and between parts of the same district. My last submission to the Government is that this useful piece of legislation may be extended to South Kanara also without further delay."

* SRI K. R. SAMBANDAM :—"Sir, in supporting the amendment I want to say a few words on the Tanjore Tenants and Pannaiyal (Protection) Bill. It is really a great boon to the agriculturists as a whole. Here, the agriculturist means the cultivator. For the past so many years he was not given any security of tenure. The tenant can only occupy the land for a year and afterwards he has to receive the lease. But now under the Bill five years tenure has been given and so he can produce more on the land, because he is sure that the lands are with him during the period and he can do something more than what he was doing in past. Therefore, this Bill confers a great relief to the cultivator.

"There is no provision in the Bill to cover lessees who have taken on long-term leases, i.e., leases for three, five or six years, lands belonging to maths and the Endowments Board. When the Hon. the Chief Minister came to Shiyali, I met and asked him as to what he was going to do with such long term leases. He replied that there was no use in having middlemen and that the system of middlemen should be ended. Lessees are ready to cancel their leases provided they are given a remission of 10 per cent this year. From next year onwards, maths and endowment lands could be leased directly to the cultivator.

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"The responsibility of manuring the land is left to the tenant. He has no capital and, therefore, he cannot afford to manure the land. If the land is left without manure, the soil will lose fertility. There must be a provision to the effect that the mirasdar can manure the field and recover the cost of the manure from the tenant. If this is not possible, one-fourth of the extent of the cultivable lands may be reserved for the growing of catch crops and the remaining three-fourths extent may be reserved for the growing of green manure. If this is done, the fertility of the soil will be maintained intact.

"So far as catch crops are concerned, the produce can be divided equally between the mirasdar and the tenant as is the customary right.

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“ The mirasdar is forced to execute a lease deed. It is true that a lease agreement cannot stand in a court of law unless it is embodied in a legal document. The tenant as well as the mirasdar must affix their signature to the lease deed. Then only there will be mutual understanding between them. If the tenant is not made to sign in the lease deed, the object of this Bill will not be achieved.

“ As regards the wages payable to pannaiyals, two alternatives are provided. Wages can be paid either according to the terms of the Mayuram agreement or according to the two-marakkal system prescribed in the Bill. The pannaiyals do not know whether they will be paid under the Mayuram agreement or under the alternative system provided in the Bill. The existence of two systems will create confusion and will not benefit the pannaiyals. Many hon. Members of this House who have not read the Bill may not know the details of the Mayuram agreement. Under that agreement, pannaiyals get daily wages at one marakkal and women labourers at $\frac{3}{4}$ marakkal. For kalavadi they will be paid $\frac{1}{7}$ of the gross produce. They will also get manaikollais according to custom. Mayuram agreement is good and can be followed. Under the two-marakkal system provided in the Bill, a pannaiyal will get employment only for three or four months in a year and for the rest of the year he will have no employment. At the rate of 2 marakkals a day, the wages come to 5 kalams a month. The mirasdar can get the work done by hired labourers for 3 or 4 kalams and there will be no tendency to have a pannaiyal. Then there is no use in passing a Bill for the protection of pannaiyals.

“ If the land-owner fails to comply with the award of the Conciliation Officer, he may be called upon to pay to the pannaiyal compensation not exceeding six months' wages or Rs. 150, whichever is less. In factories and firms, only three months' pay is given as compensation to the staff. The compensation payable by the land-owner may be reduced to three months' wages or Rs. 75.

“ Under this Bill the Government want to give substantial help to the cultivator. The cultivator is born in debt, lives in debt and dies in debt. No provision is made to relieve his indebtedness. In 1937, the Hon. Sri C. Rajagopalachari placed on the Statute Book the Madras Agriculturists Debt Relief Act. This Act relieved the indebtedness of the mirasdar, so also we must do something and at once to relieve agricultural indebtedness. Then only the cultivators will derive some benefit and we will be justified that we have done something effective to help them.

“ Most of the farm labourers have built their houses on the house-sites of their landlords. If a labourer ceases to work on the pannai of his landlord, he is evicted from the house-site. He is forced to quit the house. Just as we have given security of tenure for five years to each tenant, we must also give protection against eviction from the house-site.

“ In almost all the places, communal lands like pasture lands and threshing floors are converted into house building sites. In

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Courtallam there was a communal land which was used by the villagers as threshing floor and pasture land for grazing their cattle. Now a house building society has taken up the land for the construction of houses. If such common lands are taken away for other purposes, there will not be pasture lands for the agriculturists to graze their cattle and they will suffer. So, the existing pasture lands and other communal lands must be kept intact.

“ With these words I resume my seat.”

* SRI S. THINAKARASWAMY THEVAR :—“ கனம் சபாநாயகர் அவர்களே, இங்கு வந்துள்ள இந்த தஞ்சை ஜில்லா அவசர சட்டத்தை நான் ஆதரிக்கிறேன். ஆனால் அதில் சில முக்கிய விஷயங்களைப்பற்றி சொல்லவேண்டியிருக்கிறது. உதாரணமாக இந்த தஞ்சை ஜில்லா அவசர சட்டமானது டெருத்த அளவில் நமது முதல் மந்திரி அவர்களால் செய்யப்பட்ட ஒரு அவசர சட்டம். இது மிகவும் போற்றத்தக்க விஷயம். நல்ல சமயத்தில் நல்ல முறையில் எதைச் செய்யவேண்டுமோ அதை உரிய சமயத்தில் நல்லமுறையில் செய்திருக்கிறது என்பது பற்றி நமது மதப்பிரிவு குறிய முதல் மந்திரி அவர்கள் நாம் மிகவும் பாராட்டவேண்டும். அதிலுள்ள சில ஷரத்துக்களைப் பார்க்கும்போது இன்னும் அதிகமாகக்கூட செய்திருக்கலாம் என்பது எனது அபிப்பிராயம். உதாரணமாக மதரை ஜில்லா திருமங்கலம் தாலுகாவை எடுத்துக்கொண்டால் புராதீனமாக, சுமார் 100 வருஷ காலமாக ஒரு மாதிரியான முறையில் விவசாயம் நடந்து கொண்டிருக்கிறது. நிலச்சுவான்களுக்கும் விவசாயிகளுக்கும் ஒரு வழக்கம் நடைமுறையில் இருந்துவருகிறது. அந்த மாதிரியான வழக்கத்தை இப்பொழுது உங்களுடைய ஞாபகத்துக்கொண்டுவா விருப்புகிறேன். அங்கு என்ன விளைச்சல் விளைகிறதோ அதில் சரிபாதி பாகம் நிலச்சுவாந்தாரும் சரிபாதி பாகம் குடியானவனும் எடுத்துக்கொள்வது என்ற ஒரு வழக்கம் சுமார் நூறு வருஷகாலமாக நடைமுறையில் இருந்துவருகிறது. அந்த பிராந்தியம் ஒரு வரண்ட பிரதேசம், மானுவாரி பிரதேசம், நீர் பாசனம் கிடையாது. ஏகதேச விளைவு. நாளைந்து வருஷத்திற்கு ஒரு தடவைதான் விவசாயம் நடக்கும். அந்த மாதிரியான மானுவாரி பிரதேசத்தில்கூட இப்படி விளைச்சலில் சரிபாதி எடுத்துக்கொள்வது என்ற ஒரு முறை இருந்துவருகிறது. அதைப் போலவே இப்பொழுதும் எடுத்துக்கொண்டு வருகிறார்கள். அங்கு அப்படி இருக்கும்போது நீர்பாசனம் உள்ள காவேரி பாசனத்தில் தஞ்சை ஜில்லாவில் 40 சதவிகிதம் விவசாய குடியானவனுக்கும் 60 சதவிகிதம் நிலச்சுவானுக்கும் என்று ஏற்படுத்த இருப்பது மிகவும் போற்றத்தக்கதுதான். எங்கள் தேசத்தை ஒப்பிட்டுப் பார்த்தால் விவசாயம் செய்யும் குடியானவர்களுக்கு இன்னும் தாராளமாகக் கொடுக்கலாம் என்பது தான் என்னுடைய அபிப்பிராயம்.

“ அது மாத்திரம் அல்ல. எங்கள் ஜில்லாவில் விவசாயம் செய்யும் காலத்தில் முதலாளிகள் விவசாயம் செய்யும் குடியானவர்களுக்கு தாராளமாகப் பணம் கொடுத்து உதவுகிறார்கள். அத்துடன் உரம் செய்ய தக்க உதவியும் செய்து வருகிறார்கள். அது மாத்திரம் அல்ல. தண்ணீர் இரைக்கும் காலத்தில் குடியானவனுக்கு தண்ணீர் இரைப்பதில் எவ்வளவு செலவாகிறதோ அதில் பாதிச் செலவை நிலச்சுவான் கொடுத்து உதவி வருகிறான். இந்த முறை எங்கள் பிராந்தியத்தில் நடந்துவருகிறது என்பதை இந்த சந்தர்ப்பத்தில் சொல்லிக்கொள்ள விரும்புகிறேன். இவ்வித நிலைமை இருக்கும் பிராந்தியத்தில்கூட நிலச்சுவான்களுக்கு இவ்வளவு சலுகை கொடுக்கப்படவில்லை. எங்கள் ஜில்லாவைப்பார்த்து தஞ்சை ஜில்லா குடியானவர்களுக்கு இன்னும் கொஞ்சம்கூட தாராளமாகக் கொடுக்கலாம். பெரிய நீர்பாசன பிராந்தியத்தில் அதிலும் காவேரி தீரத்தில் இவ்வளவு கொடுப்பது போதாது. இன்னும் தாராளமாகக் கொடுக்கலாம். இப்பொழுது நிலச்சுவான்களுக்கு 60 சதவிகிதம் கொடுப்பதைக்கூட பாராட்ட வேண்டியது தான். 40 சதவிகிதம் கொடுப்பது என்பது பாராட்டவேண்டியதில்லை.

[Sri S. Thinakaraswamy Thevar] [4th November 1952]

என்னெனில் விவசாயிகளுக்கு எவ்வளவு சலுகை செய்யவேண்டுமோ அவ்வளவு சலுகையும் செய்யப்படவில்லை. இன்னும் விவசாயிகளுக்கு 50 சத விதிகள்கூட கொடுக்கலாம். இப்பொழுது ஜனங்களிடத்தில் ஆர்வம் ஏற்பட்டிருக்கிறது. 1,000 ஏக்கர், 500 ஏக்கர் என்று பூமி தானம் கொடுக்கும் மனப்பான்மை ஏற்பட்டிருக்கிறது. இப்பொழுது ஏற்பட்டிருக்கும் பூமிதான் இயக்கத்தின் நிலைமையை ஒப்பிட்டுப் பார்த்தால் இன்னும் விவசாயிகளுக்கு தாராளமாகக் கொடுக்கலாம் என்றே தோன்றுகிறது. இப்பொழுது ஒரு பெரும் மிராசதார் சமார் நூறு ஏக்கர் நிலம்கூட கொடுக்க தயாராக இருக்கிறார். அவ்விதம் இப்பொழுது ஜனங்களிடையே மனம் மாறி இருக்கிறது. இந்த மாறுபட்ட சந்தர்ப்பத்தில் இவ்விதம் கொடுப்பது என்பது சரிதான். இந்த மாதிரியான ஒரு நல்ல திட்டத்தை சர்க்கார் கொண்டு வந்திருப்பது போற்றத்தக்க விஷயம்தான். பெருமைக்கு உகந்த விஷயம். இது இந்த இந்தியா சரித்திரத்திலேயே சரித்திர பிரசித்தி பெற்ற விஷயம்தான். இது பிற்காலத்தில் புகழ் பெற்று விளங்கும்.

“இன்றைக்கு எங்கள் ஜில்லாவில் நடந்துவரும் ஒரு விஷயத்தைப் பற்றி சொல்ல வேண்டியதாக இருக்கிறது. எங்கள் பிராந்தியத்தில் தோட்ட விவசாயம் இருக்கிறது. அங்கே குடியானவர்கள் கிணற்றிலிருந்து தண்ணீர் இரைத்து விவசாயம் செய்கிறார்கள். அவ்விதம் இரைத்துதான் பாசனம் செய்பவென்றும். வேறு பாசன வசதி கிடையாது. அப்படி செய்யும் விவசாயத்தில் குடியானவன் மூன்றில் இரண்டு பங்கும் முதலாளி மூன்றில் ஒரு பங்கும் எடுத்துக்கொண்டுக்கொண்டிருக்கிறார்கள். இந்த அவசர சட்டம் தஞ்சை ஜில்லாவில் மட்டில் இருக்கட்டும். அது எங்கள் ஜில்லாவிற்கு வந்தால் அதனால் குடியானவர்களுக்கு அதிக நஷ்டம்தான் ஏற்படும். குடியானவர்களுக்கு பாதகமும் ஏற்படும். முதலாளிகளுக்கு சாதகம் ஏற்படும். எந்த பிராந்தியத்தில் இந்த சட்டத்தினால் ஏழைகளுக்கு சாதகம் ஏற்படுகிறதோ அங்கே இதைக் கொண்டுவந்தால் போதுமானது. குடியானவர்களுக்கு எங்கே அனுசூலம் ஏற்படுகிறதோ அங்கே இதை அமுலுக்குக்கொண்டு வரலாம். இந்த சட்டம் தஞ்சை ஜில்லாவை விட்டு வேறு எந்த ஜில்லாவிற்கும் விஸ்தரிக்க வேண்டுமென்றால் அங்குள்ள நிலைமையை தீர் விசாரித்து புனர் ஆலோசனை செய்து விஸ்தரிக்க வேண்டும் என்பது என்னுடைய அபிப்பிராயம். இத்துடன் என்னுடைய பேச்சை முடித்துக் கொள்ளுகிறேன்.”

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p.m.

* SRI S. RAMALINGAM:—“கனம் சபாநாயகர் அவர்களே, இப்பொழுது சபையின் முன்பாக விவாதத்தில் இருக்கும் சட்டத்தைப் பற்றி சில வார்த்தைகள் பேச வேண்டியது முக்கியமாக இருப்பதால் அதைப் பற்றி பேச விரும்புகிறேன். தஞ்சை ஜில்லாவிலுள்ள விவசாயிகள் பண்ணையார்களைச் சம்பந்தமாகக் கொண்டு வரப்பட்ட இந்த ‘பில்’ லானது விவசாயிகளுக்கு குறிப்பாக ஐந்து வருஷங்களுக்கு அவர்களிடமிருந்து நிலத்தை மாற்றிக் கூடாது என்று ஒரு அம்சம் இருப்பது மிகவும் வரவேற்கத்தக்க அம்சம்தான். நமது ராஜ்யத்தில் விவசாயிகளுக்கோ அல்லது பண்ணையார்களுக்கோ பாதுகாப்பு அளிக்கக் கூடிய எந்த சட்டமும் இது வரவரக்கும் கொண்டு வரப்பட வில்லை. முதன் முதலாக இப்பொழுது இங்கு கொண்டு வந்திருக்கக் கூடிய இச்சட்டம் எதிர்காலத்தில் நில சீர்திருத்தச் சட்டத்தைக்கொண்டு வரக்கூடிய முறையில் இது இருக்க வேண்டும் என்பது தான் என் நோக்கம். நடைமுறையில் இந்த அவசர சட்டத்தில் பல இடையூறுகள் இருக்கத்தான் செய்கிறது. இந்த சட்டத்தை அமுல் நடத்தக் கூடிய முறையில் எந்த நோக்கத்துடன் இந்த சட்டத்தைக் கொண்டு வந்தார்களோ அது சரியான முறையில் நடைபெற முடியாமல் பல இடையூறுகளால் நடைபெற்றுக் கொண்டிருக்கின்றன. இந்த அவசர சட்டத்தினால் சேற வரும் நிலத்தை உழை கொண்டிருந்தவனிடமிருந்து நிலத்தை மாற்றப்பட்டிருந்தால் அதை திருப்பிக் கொடுக்க வேண்டும் என்று இருக்கிறது. அதற்கு கன்சிட்ரேஷன் ஆபீஸுக்கு 30 நாட்களுக்குள் மனு செய்துகொள்ள வேண்டும் என்றும் இருக்கிறது. ஆனால் இந்த அவசர சட்டத்தைப் பற்றி தஞ்சை ஜில்லாவில் கிராமவாசிகளுக்கு சரியானபடி சொல்லாததின் காரணமாக பல இடங்களில் நிலத்தை விட்டு வெளியேற்றப்பட்டவர்கள் மனு செய்துகொள்ள வசதி இல்லாமல்

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இருந்திருக்கிறது. இது சர்க்காரின் அதிகாரிகளுக்கு நன்றாக தெரிந்திருக்கும் என்றே நினைக்கிறேன். கிராமவாசிகள் இந்த அவசரச் சட்டத்தை படித்தோ அல்லது பத்திரிகைகளில் வாசித்தோ, அவசரச் சட்டத்திலுள்ள விஷயங்களை தெரிந்து கொள்ளக் கூடிய நிலைமையில் இல்லை. ஆனால் இந்த அவசரச் சட்டம் விவசாயிகளின் நலனுக்காகவென்று கருதிப் போட்டும் கூட தஞ்சை ஜில்லாவிலிருக்கக் கூடிய எல்லா கிராமவாசிகளுக்கும் சரியாக எடுத்துச் சொல்லாததின் காரணமாக பல இடங்களில் நிலத்தைப் பறிகொடுத்த விவசாயிகள் இன்று சர்க்காருக்கு அப்பீல் செய்துகொள்ள முடியாமல் போய் விட்டது. அவர்களுக்கு எந்தவிதமான நன்மையும் இதனால் ஏற்படவில்லை. இந்த விஷயம் சர்க்கார் அதிகாரிகளுக்கு நன்றாகத் தெரியும். இதைப் பற்றி போதுமான அளவு பிரசாரம் செய்யவில்லை. பத்திரிகைகளில் சரியாகப் பரசரம் செய்யப்படவில்லை. ஒன்றிரண்டு பத்திரிகைகளில் வெளி வந்திருந்தும், விவசாயிகள் எல்லோரும் படித்தவர்களாக இல்லாததால் அது பலருக்குத் தெரியாது போய்விட்டது. மேலும் இந்த அவசரச் சட்டத்தின் கீழ் நிலச்சவராதாரங்களால் நிலத்திலிருந்து வெளியேற்றப்பட்டு அனாதரவாக வெளியே இருக்கும் குடியானவர்கள் சர்க்கார் அதிகாரிகளுக்கு மனுச் செய்து கொண்டு தங்களுடைய குறைபாட்டை நீக்கிக் கொள்ளலாமென்று இருந்தாலும் கூட அம்மாதிரி விண்ணப்பம் போடும்போது நிலத்தின் சரவே நம்பர் போன்றவைகளைக் குறிக்கவேண்டியிருக்கிறது. ஆனால் கிராமங்களிலுள்ள குடியானவர்கள் சரவே நம்பரைப் போய் கேட்கும்போது கர்ணங்கள் கொடுக்க மறுத்திருக்கிறார்கள். அதைப் பற்றி ஜில்லா அதிகாரிகளுக்கு எடுத்துச் சொல்லியும், ஜில்லா அதிகாரிகள் கர்ணங்களுக்கு சரவே நம்பர் கேட்க வருகிறவர்களுக்குச் சரவே நம்பர் கொடுக்க மறுக்கக் கூடாதென்று உத்தரவு போட்டும் கூட பல இடங்களில் கர்ணங்கள் வேண்டுமென்றே தரமுடியாது என்று சொல்லியிருக்கிறார்கள். இந்தமாதிரி அவசரச் சட்டம் வருவது அவர்களுக்குக் கொஞ்சம்கூட பிடிக்கவில்லை. எப்படியாவது இதனால் ஏற்பட விருக்கும் நன்மைகளை அழித்துவிட வேண்டுமென்றேதான் அவர்கள் சரவே நம்பர் கொடுக்க மறுக்கிறார்கள். அதனால்தான் குறிப்பிட்ட தவணைக்குள் விவசாயிகளால் சர்க்கார் கன்சிலியேஷன் அதிகாரிகளுக்கு விண்ணப்பம் போட்டுக் கொள்ள முடியாமல் போய்விட்டது. இதை சர்க்கார் நன்றாகக் கவனிக்க வேண்டும். இன்றைக்கு இருக்கக் கூடிய விவசாயிகளின் நிலைமை சர்க்கார் போடும் உத்தரவுகளை தாங்களாகவே படித்துப் புரிந்து கொள்ளலோ, அல்லது நகரங்களுக்குச் சென்று யாரிடம் கேட்டால் முழு விவரமும் கிடைக்கும் என்று நகரங்களுக்குப் போகலோ, பிறகு மனுக்கள் போட்டு கடைசிவரை கோர்ட்டு மூலம் போராடலோ முடியாத நிலைமையிலிருக்கிறார்கள். ஆகையால் அரசாங்கமே அவர்களுக்கு வேண்டிய எல்லாக் காரியங்களையும் இந்தத் துறையில் செய்து கொடுக்கவேண்டுமே தவிர ஏதோ கண் துடைப்பு வேலையாக யாருக்கு நிலம் வேண்டுமோ அவர்கள் கன்சிலியேஷன் அதிகாரிகளுக்கு மனுச் செய்து கொள்ளவேண்டுமென்று சொல்லிவிட்டது மிகவும் சரியாகாது. அதனால் விவசாயிகளுக்குக் கொஞ்சம்கூட நன்மை ஏற்படவேயில்லை.

“இதில் இன்னொரு முக்கியமான விஷயமிருக்கிறது. சென்ற வருடமும் அதற்கு முந்திய வருடமும் நிலத்திலிருந்து வெளியேற்றப்பட்டவர்கள் அப்பீல் செய்து கொண்டால் நிலத்தைத் திருப்பித் தந்துவிடவேண்டுமென்று சட்டமிருக்கிறது. ஆனால் 1946-47-ல் இந்த மாகாணத்தில் விவசாயிகளின் இயக்கம் ஆரம்பிக்கப்பட்ட போதும், அதற்குப் பிறகு ஸ்ரீ சுப்பிரமணியம் கமிட்டி தன்னுடைய விவசாய சீர்திருத்த யாதாஸ்தை சமர்ப்பித்த போதும், அதற்கும் முன்பாக J. C. குமாப்பா இந்த மாகாணத்திற்கு விவசாயச் சீர்திருத்தம் வேண்டுமென்று ரிப்போர்ட் சமர்ப்பித்தபோதும், தஞ்சை ஜில்லாவிலுள்ள மிராசதார்கள் ரொம்பவும் தந்திரமாக வாரத்திற்கோ, குத்தகைக்கோ நிலத்தை விட்டுவிடாமல் சொந்தப் பண்ணை என்ற பெயரிலேயே வேலை வாங்கிக்கொண்டு வந்திருக்கிறார்கள். ஏதாவது சீர்திருத்தச் சட்டம் வந்துவிடுமோ என்ற அச்சத்தில்தான் அவர்கள் ரொம்ப ஜக்கிரதையாக இப்படிச் செய்துகொண்டு வருகிறார்கள். இப்பொழுதும் கூட அவர்கள் வாரம், குத்தகையென்று விடாமல் சொந்தப் பயிர்ச்செலவு

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என்று முறையில் வைத்துக் கொண்டிருக்கிறார்கள். இதன் காரணமாகவே தான் திருத்தரைப்பூண்டி தாலுகாவில் ஒரு பகுதி, பாபநாசம் தாலுகாவில் ஒரு பகுதி இவைகளில் இருக்கும் குடியானவர்கள் அதிகாரிகளுக்கு எந்த விதமாகவும் அப்பீல் செய்து கொள்ளமுடியாமல் போய்விட்டது. இதையும் சர்க்கார் நன்கு கவனிக்கவேண்டும்.

“அடுத்தபடியாக ஒரு முக்கியமான விஷயம். இந்த அவசரச் சட்டம் ஒரு வேலிக்குக் குறைவாக உள்ள நிலச்சுவாந்தாரர்களுக்குச் செல்லுபடியாகாது என்று கண்டிருக்கிறது. அதனால் பல கிராமங்களில் மிகவும் சிக்கலான நிலைமை இன்று ஏற்பட்டிருக்கிறது. இன்றைக்கு எனக்கு இரண்டு தந்திகள் வந்திருக்கின்றன. தஞ்சாவூர் ஜில்லாவில் வயலூர் கிராமத்தில் கமார் நூற்றுக்கு மேற்பட்ட விவசாயிகள் கைது செய்யப்பட்டு சிறையில் அடைக்கப் பட்டிருக்கிறார்கள் என்று தந்தியில் கண்டிருக்கிறது. ஒரு வேலிக்கு குறைவாக நிலமுள்ளவர்களின் நிலத்தைப் பயிரிட்டுக் கொண்டிருந்த அவர்களுக்கு அவசரச் சட்டப் பிரகாரம் தங்களுக்கு கூலி வேண்டுமென்று கேட்டதின் காரணமாக இன்று சிறையிலிருக்கிறார்கள். ஆனால் பக்கத்தில் வேறு ஒரு விவசாயி ஒரு வேலிக்கு மேற்பட்ட நிலச்சுவாந்தாரிடம் வேலையி லிருப்பதின் காரணமாக அவசரச் சட்டத்தின் பிரகாரம் வாரம் பெறுகிறான். கூலியை அடைகிறான். ஆனால் ஒரு வேலிக்குக் குறைவாக நிலமுள்ள நிலச்சுவாந்தாரிடம் வேலை செய்கிறான் என்பதற்காக சர்க்கார் அளித்திருக்கும் எந்த சலுகைகளுக்கும் உள்ளாகாது மிகவும் கஷ்டப்படுகிறான். வாரம் வைத்துக் கொண்டிருந்தால் இவனுக்கு 40 சதம் கிடைக்காது. பண்ணைவேலை செய்தாலும் சட்டத்தில் கண்டபடி கூலியும் கிடைக்காது. ஆனால் இரண்டு பேர்களும் செய்யும் வேலை ஒன்றுதான். அதே போல ஒரு நிலச்சுவாந்தாருக்கு ஒரு கிராமத்தில் ஒரு வேலிக்கு மேற்பட்ட நிலத்தையும், மற்றொரு கிராமத்தில் ஒரு வேலிக்குக் குறைவான நிலத்தையும் வைத்திருந்தால் அவர் ஒரு வேலிக்கு மேற்பட்ட கிராமத்தில் விவசாயிக்கு சட்டப்பிரகாரம் கூலியும், ஒரு வேலிக்குக் குறைவான கிராமத்தில் அதைவிடிக் குறைவான கூலியையும் கொடுத்துவர வசதியிருக்கிறது. ஒரே வேலையைச் செய்பவரிடம் இம்மாதிரி ஏற்றத்தாழ்வு இருப்பதின் காரணமாகவே தான் இன்று பல இடங்களில் பல சிக்கலான பிரச்சனைகள் எழத்தொக்கின்றன. தகரூ ஏற்பட்டபிறகு இதில் அதிகாரிகளும் ஒன்றும் செய்யமுடியவில்லை. ரெவுயூப் போர்ட்டாரும் சரியாக நடந்து கொள்ளமுடியவில்லை. இடையே போலீஸ்காரர்கள் புகுந்து தங்கள் யதேச் சாதிகாரப்படி நடத்துகிறார்கள். ஏழைகளைப் பிடித்து அடித்து தண்டிக்கிறார்கள். விவசாய இயக்கத்தை நசுக்க டலாத்தாரத்தை உபயோகப்படுத்துகிறார்கள். பல இடங்களில் இம்மாதிரி நடந்திருக்கின்றன. இன்றைய தினம் எனக்கு வந்த தந்திகளில், கணபதி, காசீம், இருதயசாயி போன்ற தோழர்கள் கைது செய்யப்பட்டு லாகப்பில் கையெலும்பு முறியும் வரை அடித்து நொறுக்கப்பட்டிருக்கிறார்கள். சர்க்காரின் அவசரச் சட்டம் சரியான முறையில் அமையாததின் காரணமாக இன்று பல புதிய புதிய பிரச்சனைகள் எழும்பியிருக்கின்றன. நிலச்சுவாந்தார்கள் விவசாயிகளை நீக்குவதற்கு பல ஷரத்துக்கள் சட்டத்தில் சொல்லப்பட்டிருக்கின்றன. விவசாயி நிலத்திற்கோ அல்லது பயிருக்கோ குந்தம் விளைவிக்கக்கூடிய முறையில் நடந்து கொண்டால் அவனை வெளியேற்ற வசதியிருக்கிறது. விவசாயிகளை நிலத்திலிருந்து வெளியேற்ற ரெவுயூப் கோர்ட்டுக்கு அதிகாரமிருக்கிறது. இம்மாதிரி பல குறைபாடுகள் இருப்பதை சட்டத்திலிருந்து நீக்கவேண்டும்.

“குறைபாடுகளைச் சொல்லிக் கொண்டே போனால் நிறையச் சொல்லலாம். ஒவ்வொரு ஷரத்தாகப் பார்த்தால் பல இருக்கின்றன. இவைகளையெல்லாம் நீக்கி சட்டத்தை நல்ல முறையில் ஒழுங்கான முறையில் விவசாயிகளுக்கு உண்மையிலேயே பயன்படத்தக்க முறையில் நாம் கொண்டு வரவேண்டுமென்றால் நன்றாக ஆலோசனை செய்து விவாதிக்க வேண்டும். அது இந்தச் சபையில் முடியாது. ஆகையினால்தான் என்னுடைய நண்டர் ஸ்ரீ தென்னேட்டி விஸ்வநாதம் பிரேரேபித்த திருத்தத்தின் படி இந்த மசோதாவை ஒரு பொறுக்குக் கமிட்டிக்கு அனுப்பவேண்டுமென்று நான் கேட்டுக் கொள்ளுகிறேன்.”

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SRI K. V. RAMESAM :—“ Mr. Speaker, Sir, I heartily support the motion for referring the Bill to a select committee for the reasons which I shall presently submit to the House. Immediately after the promulgation of the Ordinance, there was a wave of agitation from one end of the State to the other that the tenants should have security of tenure in every district. At the same time there is apprehension in the minds of land-owners that their interests are adversely affected. Therefore, this Ordinance has created, as I submitted already, apprehensions in the minds of land-owners and tenants who are likely to be evicted under the ordinary law. So, after this Ordinance, in every district, particularly in areas where the zamins have recently been abolished, there is any amount of agitation for the extension of the principle of giving security of tenure to the tenants cultivating lands. In inam villages also there is this agitation. In the Visakhapatnam and Srikakulam districts, there are numerous inam villages whose tenures are quite different from those that are in vogue in Tanjore. There the tenants are put to any amount of difficulties by the various land-owners and inamdars. Consequently several ryots held conferences in all the districts appealing to the Government to declare once and for all fixity of tenure for the tenants so that the object of the present legislation to step up production might be achieved even in the remote and northernmost districts of our State. If the Bill is good, the extension of the principle and the provisions of this Bill to all the districts also will be good. In that case, I submit that the conditions prevailing in other districts will have to be taken into consideration, before the principle and provisions of this Bill are extended to other districts, because I find that there is any amount of divergence in the matter of payment of wages, payment and collection of rents, payment of rents, etc. So, unless the views of hon. Members who have got special technical knowledge of the conditions that are prevailing in districts to which the principle of this Bill may be extended at some time or other, are taken into consideration, I am afraid a uniform policy cannot be adopted. In the interests of the tenants as a whole, the principle of giving fixity of tenure is acceptable. But so far as payment of rents and payment of wages and other things are concerned, I submit that there should be an expert committee to go into details of the various problems confronting the land-owner, the tenant and the agricultural labourer. In our parts we do not find three-fifths of the yield being given to any land-owner. There about 50 per cent of the produce is generally given to the land-owner. Therefore, if this principle of Tanjore tenancy legislation is extended to our parts, the tenants there will be certainly put to great loss. There is also a method, a sharing system, by which only half the produce will be taken by the land-owner and half will be taken by the tenant. There are other modes of payment of rent also in those areas. Therefore, what I submit is that unless those conditions are specifically understood by the Government—that can be achieved only by referring this Bill to a select committee of this House—I am afraid that this legislation will not help in any way to relieve the distress that is now the common

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feature of the tenants throughout those parts. Therefore, I request the Government to consider this aspect of the problem. I say this because there is a provision in the Bill to the effect that this legislation may be extended to other districts at any time by a simple notification in the gazette. Extension of this legislation to other parts of this State is sought to be made by notification in the gazette. There is great need for studying the conditions obtaining in the various districts, particularly in Srikakulam and Visakhapatnam districts, where so many types of tenures are in vogue. There are different types of leasing out lands and different methods of payment of rents. These things have to be studied by hon. Members who have specific knowledge of the conditions of those places and, therefore, I appeal to the Government and other hon. Members of this House to accept the motion to refer the Bill to a select committee of this House."

* SRI R. S. ARUMUGHAM :—“கனம் சபாநாயகர் அவர்களே, தஞ்சை குத்தகைதார பண்ணையான் சட்டத்தை கனம் ரெவின்யூ மந்திரி அவர்கள் கொண்டுவந்திருக்கிறதை நான் மிகவும் மனப்பூர்வமாக ஆதரிக்கின்றேன். எல்லா தொழிலாளிகளுக்கும் பாதுகாப்பு உண்டு. ஆனால் ஒரு விவசாயியை எந்த நேரத்திலும் திடீரென்று நிலத்திலிருந்து வெளியேற்றிவிடலாம் அல்லது என்னவேண்டுமானாலும் செய்யலாம். அவனுக்கு எவ்வித பாதுகாப்போ, எந்த விதமான சட்டமோ கிடையாது. முதல் படியாக இப்பொழுது இந்த சட்டப்பை மூலமாக இந்தச் சட்டம் கொண்டு வரப்பட்டிருக்கிறதைக் குறித்து நான் மிகுந்த சந்தோஷப்படுகிறேன். விவசாயிகள் பாடுபட்டும் பட்டினி கிடக்கிற நிலையில் இருந்துகொண்டிருக்கிறார்களே தவிர, வேறொன்றுமில்லை. உணவு உற்பத்தி செய்பவனுக்கு உணவில்லை. உரிமையில்லை. இப்பொழுதுதான் ஒரு சிறிது மாற்றம் வருகிறது. அந்த நிலையிலே விவசாயிகளுக்கு இது ஒரு வரப்பிரசாதம் என்றுதான் சொல்லவேண்டும்.

“இது இப்பொழுது தான் முகலாவது வந்திருக்கிறது. இதிலே சில குறைகளோ குற்றங்களோ ஏதாவது இருந்தால் அதைத் திருத்திக்கொள்ளலாம். அதற்காக குழப்பமோ சச்சரவோ செய்யவேண்டிய அவசியம் இல்லை.

“இப்பொழுது தஞ்சை ஜில்லாவிற்கு இந்த சட்டம் வந்திருக்கிறது. 1947-48-வருஷத்திலிருந்து பல விவசாயிகள் அங்கே நீக்கியிருக்கிறார்கள். அவர்களுக்கு இப்பொழுது பாதுகாப்பு இல்லைதான். அந்த நிலங்களை அந்த நிலச்சுவாந்தார்களே சாகுபடி செய்துவருகிறார்கள். சொந்தப் பயிராக வைத்திருக்கிறார்கள். அந்த நிலங்களையெல்லாம், 1947-48-ம் வருஷத்திலிருந்து ஏறெடுத்த விவசாயிகளை நீக்கினார்களோ, அவர்களுக்கு, அடுத்தவருக்கு குத்தகைக்கு விட்டிருப்பதை விட்டுவிட்டு, சொந்தப் பயிர் வைத்திருக்கிறதை, அந்த விவசாயிக்கு கொடுத்துவிடலாம் என்ற நிலைமை ஏற்படுத்தினால் சந்தோஷமாக இருக்குமென்று நான் சொல்லிக்கொள்ள விரும்புகிறேன்.

“அது மட்டுமல்ல; ஒரு நிலச்சுவாந்தாரின் அவ்வளவு நிலத்தையும் அவரே பண்ணை நிலமாக வைத்துக்கொள்ளலாமென்ற நிலை இருக்கிறதென்று எண்ணுகிறேன். ஆனால், ஒரு குறிப்பிட்ட அளவு இவ்வளவு நிலம்தான் பண்ணை நிலமாக வைத்துக்கொள்வது என்று இருந்தால்தான் நல்லது. இல்லாவிட்டால் எல்லா நிலத்தையும் பண்ணை நிலமாக வைத்துக் கொண்டு, கூலி-ஆட்கள் மூலமாக வேலை செய்யமுடியுமென்று எண்ணுகிறேன். இதனால் விவசாயிகள் பாதிக்கப்படுவார்கள்.

“இந்த சட்டம் எல்லா நிலச்சுவாந்தாரையும் கட்டுப்படுத்தக்கூடிய அளவிலே இருக்கவேண்டியதுதான். அப்படி இருந்தால்தான் சண்டை சச்சரவு ஏற்படாமல் இருக்குமென்று நான் தெரிவித்துக்கொள்ளுகிறேன்.

4th November 1952] [Sri R. S. Arumugam]

‘ உழுதுண்டு வாழ்வாரே வாழ்வார்மற் றெல்லாந்
தொழுதுண்டு பின்செல் பவர்.’

என்ற பாட்டு இருந்ததே தவிர, அந்தப் பாட்டின் கருத்துப்படி இருக்க வில்லை. எதிர்மாராக இருக்கிறது. நாடு நம் அடைய விவசாயி மதிக்கப்பட வேண்டும். சங்கடம் இல்லாமலிருக்கவேண்டும். தஞ் ாலூரில் மாத்திரம் தான் இந்தச் சங்கடம் இருக்கிறதென்பது இல்லை. மற்ற ஜில்லாக்களிலும் இந்த சங்கடங்கள் இருக்கின்றன. அனேக இடங்களில் ‘எவிக்ஷன்’ நடந்து கொண்டதான் இருக்கிறது. அதை உடனே தடுக்கவேண்டும். மேலும் தஞ்சாவூர் ஜில்லாவில் இதை அமுல் நடத்தி அந்த ஜில்லாவில் இது சரியான முறைக்கு வந்தபிறகு, வாரம் முதலியன விவசாயிகளுக்கு அதிகம் கிடைக்கக்கூடிய அளவில் செய்து எல்லா ஜில்லாக்களுக்கும் இந்த சட்டத்தை உடனடியாகக் கொண்டுவரவேண்டுமென்று நான் கேட்டுக்கொள்ளுகிறேன்.

“ ஆனால், இதுவரையிலும் எந்தவிதமான பாதுகாப்பும், எந்த விதமான காவலும் இல்லாது எந்த நேரத்திலும் வெளியே போகச் செய்யலாம் என்ற நிலை இருந்ததை மாற்றி அவர்களுக்கு பாதுகாப்பு அளித்து, சட்டத்தின் மூலமாக நாம் வழக்கு கோருவதற்கு வற்பாடு செய்து கொள்வதற்கு அனுசூலமாக இந்த சட்டத்தை இந்த சட்டசபையில் கொண்டுவந்த நமது ரெவின்யூ மந்திரி அவர்களுக்கும் நமது தலைவர் ராஜாஜி அவர்களுக்கும் என நன்றியைத் தெரிவிக்கிறேன். முதலாவதாக தலைமைப் பதவியை ஏற்கும்போது, இரண்டு காரியங்கள், அதாவது ‘ஒழுக்கம்’, ‘விவசாயம்’ இந்த இரண்டையும் நான் கவனிக்கப்போகிறேன் என்று ராஜாஜி சொன்னார்கள். அந்த முறையிலே இப்பொழுது விவசாயத்தைப்பற்றி அக்கரை எடுத்திருக்கிறார்கள். நெசவுத் தொழிலாளர்கள் பற்றியும், நெசவுத் தொழிலாளர்களுடைய பாதுகாப்பைக் குறித்தும் காவலிலும் இப்பொழுது விவசாயத் தொழிலாளர்களுடைய பாதுகாப்பைப் பற்றியும் கவனிக்க இது கொண்டுவரப்பட்டிருக்கிறது. இது தொழிலாளர்களின் நற்கால ஆரம்பம் என எண்ணுகிறேன். இந்த அளவிலே ஒரு நல்ல சட்டம் வந்திருக்கிறது என்பதைக் குறித்து சந்தோஷப் படுகிறேன். இன்னும் இதில் ஒரு சில குறைகளும் இருக்கின்றன. எல்லா நிலச்சுவாந்தார்களையும் இந்த சட்டம் கட்டுப்படுத்தக்கூடிய அளவிலே செய்வது, மேலும், 19.7-48-ம் ஆண்டுத் திட்டம் விவசாயிகளை பழய நிலங்களைப் பயிர் செய்வதற்கு ஏற்பாடு செய்வது, விவசாயிக்குக்கிடைக்கும் வருமானப் பகுதியைக் கூட்டுவது போன்ற காரியங்களெல்லாம் இன்னும் இருக்கின்றன. அதை எவ்வளவாம் செய்வார்கள் என்ற நம்பிக்கையைத் தெரிவித்துக் கொண்டு எனது மனப்பூர்வமான ஆதரவையும் தெரிவித்து எனது பேச்சை இத்துடன் முடித்துக்கொள்ளுகிறேன்.”

MR. SPEAKER:—“ The House will now adjourn to meet again at 10-30 a.m. on Wednesday, 5th November 1952.”

The House then adjourned.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

- (1) G.O. No. 2408, Public (Services), dated the 10th October 1952, excluding the post of part-time Medical Officer, Madras Electricity System, from the purview of the Madras Public Service Commission. [Laid on the table in accordance with Article 320 (5) of the Constitution.]
- (2) G.O. No. 1075, Rural Welfare, dated 25th September 1952—Amendment to Madras Cottage Industries Loans and Subsidy Rules, 1948.